

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DAVID MITCHELL,

Plaintiff,

v.

MARRIOTT HOTEL SERVICES, INC.,
dba ATLANTA MARRIOTT SUITES
MIDTOWN, MARRIOTT
INTERNATIONAL, INC., and JOHN
DOES 1-50

Defendants.

CIVIL ACTION FILE
NO. _____

Jury Trial Demanded

DEFENDANTS' NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the Northern
District of Georgia, Atlanta Division:

COME NOW Defendants **MARRIOTT HOTEL SERVICES, INC. AND
MARRIOTT INTERNATIONAL, INC.**, and file the following Notice of Removal
to United States District Court, showing the Court as follows:

1. Plaintiff David Mitchell (hereinafter "Plaintiff"), believed to be a
resident and citizen of the State of Ohio, filed this action in the State Court of
Gwinnett County, on January 20, 2023 against Defendants Marriott Hotel Services,

Inc. and Marriott International, Inc. That action is designated as Civil Action File No.: 23-C-00420-S2. A true and correct copy of the Complaint is included in the State Court file attached as Ex. A.

2. Plaintiff's Complaint, *inter alia*, alleges that Defendants are liable to the Plaintiff for negligently causing Plaintiff's injuries that were sustained from an accident which occurred on March 7, 2021. (*See* Ex. A, ¶¶ 4-13).

3. At the time of filing this action, and at all times since, Plaintiff was, and is, believed to be a resident and citizen of the State of Ohio (*See* Ex. B, Medical Bill).

4. Defendant Marriott Hotel Services, Inc. is improperly named. The correct name is Defendant Marriott Hotel Services, LLC, which is now and was at the commencement of Civil Action File No.: 23-C-00420-S2, and at all times since has been a foreign company organized and existing under the laws of the State of Delaware with its principal place of business in Maryland. (*See* Ex. C, Georgia Secretary of State Records). The sole member of Defendant Marriott Hotel Services, LLC is Marriott International, Inc. Based on the foregoing, Defendant Marriott Hotel Services, Inc. is deemed a citizen of Maryland and Delaware.

5. Defendant Marriott International, Inc. is now and was at the commencement of Civil Action File No.: 23-C-00420-S2, and at all times since has

been a foreign company organized and existing under the laws of the State of Delaware with its principal place of business in Maryland. (*See* Ex. D, Georgia Secretary of State Records). Based on the foregoing, Defendant Marriott International, Inc. is deemed a citizen of Maryland and Delaware.

6. The action described above is a civil action with a claim of which this Court has original jurisdiction, and it is one that may be removed to this Court by the Defendants pursuant to the provisions of 28 USC §§ 1332 and 1441 et seq., in that there is complete diversity among Plaintiff and the identified, named Defendants, the Parties were not residents of the same State at the time of filing of the Complaint, and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

7. Defendants file herewith a copy of all process, pleadings, and orders received by Defendant in Civil Action File No.: 22CVE1716, pursuant to 28 USC §1446, including a copy of the Summons and Complaint in State Court of Gwinnett County, State of Georgia, marked as Ex. A.

8. Defendants attach hereto a copy of Defendants' Notice of Removal which has been sent for filing in the State Court of Gwinnett County, State of Georgia, marked as Ex. E.

9. Defendant attaches hereto a copy of Defendants' Brief in Support of Notice of Removal.

10. All Defendants agree to this removal.

Respectfully submitted this 24th day of February, 2023.

HALL BOOTH SMITH, P.C.

/s/ Paul B. Trainor

Paul B. Trainor

Georgia Bar No. 641312

Billy Fawcett

Georgia Bar No. 528289

*Attorneys for Defendants Marriott
Hotel Services, Inc. and Marriott
International, Inc.*

191 Peachtree Street NE, Suite 2900

Atlanta, GA 30303-1775

T: 404.954.5000

F: 404.954.5020

ptrainor@hallboothsmith.com

bfawcett@hallboothsmith.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DAVID MITCHELL,

Plaintiff,

v.

MARRIOTT HOTEL SERVICES, INC.,
dba ATLANTA MARRIOTT SUITES
MIDTOWN, MARRIOTT
INTERNATIONAL, INC., and JOHN
DOES 1-50

Defendants.

CIVIL ACTION FILE
NO. _____

Jury Trial Demanded

CERTIFICATE OF COMPLIANCE

The foregoing **DEFENDANTS' NOTICE OF REMOVAL** is double spaced in 14-point Times New Roman font and complies with the type-volume limitation set forth in Local Rule 7.1.

Respectfully submitted this 24th day of February, 2023.

HALL BOOTH SMITH, P.C.

/s/ Paul B. Trainor

Paul B. Trainor

Georgia Bar No. 641312

Billy Fawcett

Georgia Bar No. 528289

191 Peachtree Street NE, Suite 2900
Atlanta, GA 30303-1775

T: 404.954.5000

F: 404.954.5020

ptrainor@hallboothsmith.com

bfawcett@hallboothsmith.com

*Attorneys for Defendants Marriott
Hotel Services, Inc. and Marriott
International, Inc.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DAVID MITCHELL,

Plaintiff,

v.

MARRIOTT HOTEL SERVICES, INC.,
dba ATLANTA MARRIOTT SUITES
MIDTOWN, MARRIOTT
INTERNATIONAL, INC., and JOHN
DOES 1-50

Defendants.

CIVIL ACTION FILE
NO. _____

Jury Trial Demanded

CERTIFICATE OF SERVICE

I hereby certify that on this day I have served a copy of the within and foregoing **DEFENDANTS' NOTICE OF REMOVAL** upon all parties to this matter by depositing same in the U.S. Mail and/or via e-file and serve as required by law:

Roger W. Orlando
The Orlando Firm, P.C.
Decatur Court
Suite 400
315 W. Ponce de Leon Avenue
Decatur, Georgia 30030
Roger@orlandofirm.com
Counsel for Plaintiff

Respectfully submitted this 24th day of February, 2023.

HALL BOOTH SMITH, P.C.

/s/ Paul B. Trainor

Paul B. Trainor

Georgia Bar No. 641312

Billy Fawcett

Georgia Bar No. 528289

Attorneys for Defendants Marriott

Hotel Services, Inc. and Marriott

International, Inc.

191 Peachtree Street NE, Suite 2900

Atlanta, GA 30303-1775

T: 404.954.5000

F: 404.954.5020

ptrainor@hallboothsmith.com

bfawcett@hallboothsmith.com